

Assembly Bill No. 1771

CHAPTER 573

An act to amend Section 2282.5 of, and to repeal and amend Section 2282 of, the Food and Agricultural Code, relating to agricultural pest control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 2000. Filed
with Secretary of State September 23, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1771, Committee on Agriculture. Agricultural pest control.

(1) Under existing law, the Secretary of the Department of Food and Agriculture and the Director of Pesticide Regulation are authorized to annually allocate funds to each county for specified purposes related to agricultural pest control according to a specified formula, but until July 1, 2000, existing law requires that \$5,500,000 of the total amount appropriated for this purpose be utilized solely for high-risk pest exclusion activities, as specified.

This bill would indefinitely extend this required allocation for high-risk pest exclusion activities, make the allocation authority of the secretary and director subject to appropriation in the annual Budget Act, and would make related conforming changes.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 2282 of the Food and Agricultural Code, as added by Section 3 of Chapter 890 of the Statutes of 1999, is repealed.

SEC. 2. Section 2282 of the Food and Agricultural Code, as amended by Section 4 of Chapter 890 of the Statutes of 1999, is amended to read:

2282. (a) Except as provided in Section 2282.5, and to the extent funds are appropriated in the annual Budget Act, the Secretary of Food and Agriculture or the Director of Pesticide Regulation may allocate annually to each county an amount determined by the secretary or the director not to exceed one-third of the amount expended by the county during the previous fiscal year for the programs of joint responsibility under the jurisdiction of the secretary or director, as applicable. The allocations shall be made from funds appropriated to the secretary or the director for purposes of carrying out activities of joint responsibility with the commissioners at the local levels.

(b) The annual report to the Legislature required by Section 2281 shall include findings for each of the following joint programs, including the amounts allocated to, and expended by, the counties in the previous fiscal year and the proposed amount to be allocated by the secretary for each program for the ensuing budget year:

- (1) Pest detection.
- (2) Pest eradication.
- (3) Pest management control.
- (4) Pest exclusion.
- (5) Seed inspection.
- (6) Nursery inspection.
- (7) Fruit and vegetable quality control.
- (8) Egg quality control.
- (9) Apiary inspection.
- (10) Crop statistics.

The report shall also specify the programs that have been augmented with state funds each year since 1980 because of new legislative mandates, or because of pest infestations or outbreaks occurring since that date, and the annual amounts of those augmentations.

SEC. 3. Section 2282.5 of the Food and Agricultural Code is amended to read:

2282.5. (a) The development of work plans for allocation of the funding appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention shall be the responsibility of the department. The department shall establish criteria for the development of the work plans and for allocating the appropriated funds.

(b) Of the amount appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention, five million five hundred thousand dollars (\$5,500,000) shall be utilized solely for high-risk pest exclusion activities. The work plans for the exclusion of high-risk pests shall be developed by the department with the county agricultural commissioners and in consultation with affected industry representatives. In order to determine the effectiveness of high-risk pest exclusion programs in each county, the criteria established by the department for the work plan shall include, but need not be limited to, the following:

- (1) The number of high-risk plant shipments entering each county.
- (2) The number of high-risk entry points in each county.
- (3) The number of state action quarantine pests intercepted or detected annually in each county.
- (4) The work hours expended by each county in conducting exclusion of high-risk pests.



(5) The rate of interceptions and rejections per inspection activity.

(c) To remain eligible for funding under this section, a county shall maintain its support of ongoing operational costs of the county agricultural commissioner programs listed in subdivision (b) of Section 2282, at 1997–98 fiscal year levels.

(d) Funds allocated for high-risk pest exclusion activities pursuant to subdivision (b) may not be expended for any purpose other than the exclusion or detection of high-risk pests consistent with the work plans prescribed in subdivision (a) or scientific evaluation. Funds allocated by each county on or after September 28, 1998, shall not be allocated to other programs listed in subdivision (b) of Section 2282 until the county work plan is approved by the department consistent with the funding appropriated in the Budget Act to the department for local assistance for agricultural plant and animal pest and disease prevention for this purpose.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make changes to certain provisions affecting agriculture prior to their repeal, thereby protecting public health and safety, it is necessary that this act take effect immediately.

